

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference PHCN030024WO	FOR FURTHER ACTION		See item 4 below
International application No. PCT/IB2004/051313	International filing date (<i>day/month/year</i>) 28 July 2004 (28.07.2004)	Priority date (<i>day/month/year</i>) 05 August 2003 (05.08.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant KONINKLIJKE PHILIPS ELECTRONICS N.V.			

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																
<p>3. This report contains indications relating to the following items:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"><input checked="" type="checkbox"/></td> <td style="width: 85%;">Box No. I Basis of the report</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. II Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI Certain documents cited</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VII Certain defects in the international application</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VIII Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p>	<input checked="" type="checkbox"/>	Box No. I Basis of the report	<input checked="" type="checkbox"/>	Box No. II Priority	<input type="checkbox"/>	Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI Certain documents cited	<input checked="" type="checkbox"/>	Box No. VII Certain defects in the international application	<input checked="" type="checkbox"/>	Box No. VIII Certain observations on the international application
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Date of issuance of this report 06 February 2006 (06.02.2006)	
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 16 NOV 2004

IPD

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

<p>Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)</p>

<p>Applicant's or agent's file reference see form PCT/ISA/220</p>	<p>FOR FURTHER ACTION See paragraph 2 below</p>
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<p>International application No. PCT/B2004/051313</p>	<p>International filing date (day/month/year) 28.07.2004</p>	<p>Priority date (day/month/year) 05.08.2003</p>
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<p>International Patent Classification (IPC) or both national classification and IPC H04N5/445, G09G5/24</p>
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<p>Applicant KONINKLIJKE PHILIPS ELECTRONICS N.V.</p>

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and Industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, Inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

<p>Name and mailing address of the ISA:</p>	<p>Authorized Officer</p>
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/051313

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - in written format
 - in computer readable form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/051313

Box No. II Priority

1. The following document has not been furnished:

copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	5-15,17
	No: Claims	1,4,16
Inventive step (IS)	Yes: Claims	5-15,17
	No: Claims	1-4,16,19,20
Industrial applicability (IA)	Yes: Claims	1-20
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document:

D1: US-A-6 034 673 (KIM BYOUNG-HAN) 7 March 2000 (2000-03-07)

1. Independent claims

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of the independent claims 1, 4 and 16 is not new in the sense of Article 33(2) PCT.

The document D1 discloses (the references in parentheses applying to this document):

A method and device for displaying the characters on a TV screen, comprising the steps of creating the character model information and displaying the created character model information on the TV screen in a corresponding form of the characters (cf. col. 2 lines 13 - 16).

2. Dependent claims

2.1 The features of the dependent claims 2 and 3, namely the use of a predetermined algorithm for creating the character model information and the inclusion of the character model information creation step in the OSD software, can not be regarded as involving an inventive step in the sense of Article 33(3) PCT, since the implementation of these features in a character display device is a matter of normal design procedure.

The same reasoning applies to the subject-matter of the claims 19 and 20, which relate merely to a well known user setting method and are therefore also regarded not inventive (Article 33(3) PCT).

2.2 The combination of the remaining features of the dependent claims 5 - 15 and 17 respectively, namely the gradual variation of the created character model information on the screen so as to look like opening and closing of a shutter, as stated in claim 11, is neither known from, nor rendered obvious by, the available prior art and therefore appears to be novel and inventive in the sense of Article 33(1) PCT.

Re Item VII

Certain defects in the international application

1. Form and content

1.1 Method claim 5 comprises all the features of method claim 1 and is therefore not appropriately formulated as a claim dependent on the latter (Rule 6.4 PCT). The same reasoning applies to the corresponding device claims 4 and 13 and the corresponding system claims 16 and 17 respectively.

1.2 In fig. 2 certain terms are missing:

- the term "stable" in step S214 and
- the term "complete" in step S260.

Re Item VIII

Certain observations on the international application

1. Clarity

1.1 Although claims 5 and 18 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter (in particular claim 18 comprises all the features of claims 5 and 11) and to differ from each other only with regard to the definition of the subject-matter for which protection is sought. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

To overcome this objection it is recommended to delete claim 18.

1.2 The following terms:

- "instantly" used in the claims 1, 3, 4, 12, 16 and 17 and
- "a kind of" used in the claims 4, 13, 16, 17 and 19

are vague and unclear and leave the reader in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject-matter of said claims unclear, Article 6 PCT.

1.3 Certain inconsistencies could be detected between the description and the figures:

- in the description on page 4 it is explained, that the process is returning to the delay step S212 if no stable signal could be detected in step S214, while in fig. 2 the process is returning to the RGB blanking step S210,
- fig. 2 shows, that the OSD pattern procedure (steps S220 -S250) is started after detection of a stable image signal (step S214), while in the description it is explained, that the procedure is started while the process is waiting for a stable image signal.

1.4 According to the requirements of Rule 10.2 PCT, the terminology and the signs shall be consistent throughout the application. This requirement is not met in view of the use of the expressions "pattern", used in the description, and "figure", used in the claims, for the same feature.

1.5 Claims 5, 13 and 17 do not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The functional statement "in order to make the TV OSD figure consisting of..." does not enable the skilled person to determine which technical features are necessary to perform the stated function.